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ILLEGITIMACY LAWS OF THE UNITED STATES

PASSED DURING THE YEARS
1919 TO 1922, INCLUSIVE



WASHINGTON
GOVERNMENT PRINTING OFFICE

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LIST OF REFERENCES, BY STATES.

ARIZONA.

- 1921, ch. 114, p. 238----- Declaring every child to be the legitimate child of its natural parents; making such child an heir of such parents and providing the procedure for establishing parentage.
- 1921, ch. 123, p. 275----- Amending sections 372 and 373 of the Revised Statutes, 1913 (Penal Code), relating to bastardy proceedings.

CALIFORNIA.

- 1921, ch. 186----- Amending section 1388 of the Civil Code relating to succession.
- 1921, ch. 911----- Amending Penal Code, section 270; neglect of child, legitimate or illegitimate.

COLORADO.

- 1919, ch. 210----- Workmen's compensation law; when illegitimate minor child may be beneficiary.

DELAWARE.

- 1919, ch. 200----- Providing for the descent of real and personal property of the mother of illegitimate children; amending chapter 38 of the Revised Code, section 3087-A.
- 1921, ch. 184----- In relation to illegitimate children; amending chapter 88 of the Revised Code.

ILLINOIS.

- 1919, p. 422----- Amending act of April 3, 1872, sections 1, 3, 4, 8, 11, 16, and 18, concerning bastardy (also found in Hurd's Revised Statutes, 1917, ch. 17).

MARYLAND.

- 1920, ch. 564----- Repealing and reenacting with amendments section 5 of article 12 of the Annotated Code of Maryland, title "Bastardy and Fornication," requiring new bond to be given in certain cases.

MASSACHUSETTS.

- 1922, ch. 397----- Relative to entry of temporary orders providing for support in bastardy and other cases; amending General Laws, 1921, chapter 273, section 4.

MINNESOTA.

1919 (special session), ch.

50, sec. 7----- Regulating maternity hospitals, illegitimate births to be reported to State board of control.

Same, ch. 52, sec. 5----- Regulating infant boarding homes; receipt of child of illegitimate birth to be reported to State board of control.

1921, ch. 273----- Judgment of paternity; facts to be recorded on birth and death certificate; amending General Statutes 1913, sections 4651, 4660-A, 4660-B, and 4661,

1921, ch. 489----- Relating to illegitimate children; amending General Statutes 1913, sections 3214, 3216, 3217, 3218, 3219, 3220, 3221, 3222 as amended by 1917, chapter 210, also section 3225(a) of section 1, chapter 210, Laws 1917.

MISSISSIPPI.

1922, ch. 232----- Inheritance from illegitimates; amending section 1655, Code of 1906.

MISSOURI.

1919, p. 247----- Abandonment of children under 6 years of age; includes those born out of lawful wedlock; amending Revised Statutes 1909, section 4490.

1921, pp. 117-118----- Descent and distribution; amending Revised Statutes 1919, sections 311, 312, and 314; child born out of wedlock; rights and powers.

1921, pp. 281-282----- Abandonment or desertion of child under 16 years of age; includes child not born in lawful wedlock; amending Revised Statutes 1919, section 3273.

NEBRASKA.

1919, ch. 221, sec. 2----- Mother's pension: an unmarried mother may receive benefits.

1921, ch. 246----- Providing for compulsory institutional care for women before and after confinement and for the temporary care of mother and child in the State Industrial Home for Women at Milford in cases where the mother is unable to provide properly for herself and is likely to become a public charge or is likely to give birth to any unfilial child without proper means for the care of herself or child.

NEVADA.

1921, ch. 216----- Adoption of illegitimate child; consent of parents necessary; amending Revised Laws 1912, section 5828.

NEW JERSEY.

1922, ch. 175, p. 299----- Jurisdiction of juvenile court in bastardy cases; supplementing act of February 18, 1918.

NEW YORK.

- 1919, ch. 202----- Legitimacy of children of a marriage which has been declared a nullity or annulled; amending Code of Civil Procedure, section 1749.
- 1919, ch. 337----- Conduct of bastardy proceedings; amending the Greater New York charter, section 684.
- 1921, ch. 363----- Amending the second-class cities law in re duties of corporation counsel in bastardy proceedings (1919, ch. 55, sec. 201).
- 1921, ch. 600----- Amending the inferior criminal courts act of the city of New York in re jurisdiction of court of special sessions in bastardy proceedings (1910, ch. 659, sec. 31) (3).

NORTH CAROLINA.

- Public Laws, 1921, ch. 109_ Amending sec. 273 of the Consolidated Statutes relating to bastardy.

OREGON.

- 1919, ch. 47----- Age of majority; illegitimate child; adoption; amending sec. 7099 of Lord's Oregon Laws as amended by 1915, chapter 31.

PENNSYLVANIA.

- 1919, No. 439, p. 1075----- Amending act of July 11, 1917, in re nonsupport of child born out of wedlock; also amending 1917 Pamphlet Laws 773, sec. 2, procedure; limitations.

SOUTH CAROLINA.

- 1920, No. 576----- Amending Code of 1912, sec. 3562, so as to permit brothers or sisters of illegitimate children to inherit from each other.

SOUTH DAKOTA.

- 1921, ch. 137, p. 228----- Relating to bastardy proceedings; amending sections 2981 and 2985 of the Revised Code of 1919.

VERMONT.

- 1921, No. 81----- Relating to the legitimacy of the issue of annulled marriages; amending sec. 3553 of the General Laws, 1917.
- 1921, No. 83----- Relating to bail in bastardy proceedings; amending General Laws, 1917, sec. 3610.

VIRGINIA.

- 1922, ch. 486, sec. 6----- Relating to maternity hospitals; dependent illegitimate child may be committed to State board of public welfare.

WASHINGTON.

- 1919, ch. 203----- Provision for maintenance of child born out of wedlock.

WISCONSIN.

- 1921, ch. 273----- Amending sec. 3306 of the statutes, relating to moneys collected for forfeiture.

ILLEGITIMACY LAWS OF THE UNITED STATES.¹

[Passed during the years 1919 to 1922, inclusive.]

ARIZONA.

[1921, ch. 114, p. 238. House bill No. 170.]

An Act Declaring every child to be the legitimate child of its natural parents; making such child an heir of such parents and providing the procedure for establishing such parentage.

Be it enacted by the Legislature of the State of Arizona:

SECTION 1. Every child is hereby declared to be the legitimate child of its natural parents and as such is entitled to support and education to the same extent as if it had been born in lawful wedlock. It shall inherit from its natural parents and from their kindred heir lineal and collateral in the same manner as children born in lawful wedlock as provided in Paragraph 1092, Chapter 14, Title 6, of the Revised Statutes of Arizona, 1913, Civil Code.

This section shall apply to cases where the natural father of any such child is married to one other than the mother of said child, as well as where he is single. *Provided, however,* this law shall not be so construed as to give to said child the right to dwelling or a residence with the family of its father, if such father be married.

SECTION 2. The mother of any child born out of lawful wedlock may within one year after the birth of such child bring a civil action in the superior court to establish the parentage of such child. Such action shall be commenced by complaint filed by the mother as plaintiff against the alleged natural father as defendant, and summons shall be issued and served and the same proceedings had as in other civil cases. In such cases the parentage may be proved like any other fact.

Provided, that the mother of said child shall not be considered a competent witness in any case where the alleged natural father of said child shall be dead at the time of the trial.

Provided further, that a statement in writing may be made by the parents of said child, admitting the parentage thereof, and upon which a judgment may be entered.

SECTION 3. This action shall be deemed cumulative as to the remedies contained in Paragraphs 369 to 381, inclusive, Revised Statutes of Arizona, 1913, Penal Code, relating to bastardy proceedings, but all children hereafter born in this state shall be deemed to be legitimate.

SECTION 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 17th, 1921.

¹ A few related laws (those relating to adoption, birth registration, desertion, mothers' pensions, workmen's compensation, etc., wherein provision is made for the child born out of wedlock) are included, but no special effort has been made to incorporate all such laws.

ARIZONA.

[1921, ch. 123, p. 275. House bill No. 171.]

An Act To amend section 372 and 373, Title 10, Revised Statutes of Arizona, 1913, Penal Code, relating to bastardy proceedings.

Be it enacted by the Legislature of the State of Arizona:

SECTION 1. Paragraph 372, Title 10, Revised Statutes of Arizona, 1913, Penal Code, is hereby amended so as to read as follows:

372. If the defendant does not comply with the provisions of the preceding section, and there is probable cause to believe him guilty as charged in the complaint, the justice shall require him to enter into a recognizance, with surities approved by the justice, in a sum not less than five hundred (\$500.00) dollars nor more than one thousand (\$1000.00) dollars, to appear before the superior court of the proper county and answer said complaint and abide the order of such court thereon. If he fails to give such recognizance, the justice shall commit him to the county jail, there to be held to answer such complaint. Thereupon the justice shall certify the examination, and return the same, and all process and papers in the case to the clerk of such court.

SECTION 2. Paragraph 373, Title 10, Revised Statutes of Arizona, 1913, Penal Code, is hereby amended so as to read as follows:

373. Upon trial, the issue shall be whether the defendant is guilty or not guilty. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child and shall be charged with its maintenance until such child attains its majority. The court in its judgment shall direct the amount which shall be paid by the father for the support of such child and the manner in which such payment shall be made, and shall also direct the payment of the costs of prosecution by said defendant. The court may from time to time after the entry of said judgment, on petition of either of the parties, or upon its own motion, amend, revise, and alter such portions of the judgment as relate to the payment of money for the maintenance of said child, as may be deemed just and as the welfare of said child may require. The examination taken before the justice shall in all cases be read to the jury when demanded by the defendant.

SECTION 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CALIFORNIA.

[1921, ch. 186.]

An Act To amend section one thousand three hundred eighty-eight of the Civil Code relating to succession.

[Approved May 20, 1921. In effect July 29, 1921.]

The people of the State of California do enact as follows:

Section one thousand three hundred eighty-eight of the Civil Code is hereby amended to read as follows:

1388. *Succession by illegitimate child.*—The estate of an illegitimate child, who, having title to any estate not otherwise limited by marriage contract, dies without disposing thereof by will, is succeeded to as if he had been born in lawful wedlock if he has been legitimated by a subsequent marriage of his parents, or adopted by his father as provided by section two hundred thirty;

otherwise, it is succeeded to as if he had been born in lawful wedlock and had survived his father and all persons related to him only through his father.

CALIFORNIA.

[1921, ch. 911.]

An Act To amend section two hundred seventy of the Penal Code, relative to neglecting to furnish necessities for minor child.

[Approved June 3, 1921. In effect August 2, 1921.]

SECTION 1. Section two hundred seventy of the Penal Code is hereby amended to read as follows:

270. *Neglecting to furnish necessities for minor child.*—A parent of either a legitimate or illegitimate minor child who wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his child is punishable by imprisonment in the state prison, or in the county jail, not exceeding two years, or by fine not exceeding one thousand dollars, or by both, and it shall be no defense to such an action that such child has been provided for by other persons. The superior court, sitting as a juvenile court may exercise original jurisdiction over all such offenses.

COLORADO.

[1919, ch. 210.]

WORKMEN'S COMPENSATION.

SECTION 61. *Illegitimate minor children.*—Illegitimate minor children of deceased putative father shall be entitled to compensation in the same respect as a legitimate minor child of said decedent, when it is proved to the satisfaction of the Commission that the father has, during his lifetime, acknowledged said child or children to be his and has regularly contributed to its or their support and maintenance for a reasonable period of time prior to his death.

DELAWARE.

[1919, ch. 200.]

PARENTS AND CHILDREN—ILLEGITIMATE CHILDREN.

An Act To amend chapter 38 of the Revised Code of Delaware in relation to parents and children. Providing for the descent of real and personal property of the mother of illegitimate children.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That section 3087-A, being Section 27-A of Chapter 88 of the Revised Code of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

3087-A. SECTION 27-A. *Descent from mother of illegitimate persons.*—When the mother of an illegitimate child or children dies intestate, such illegitimate child or children, or the issue of such who may be dead, shall share in her real and personal estate, in the same manner as legitimate children or their issue.

Approved March 20, A. D. 1919.

DELAWARE.

[1921, Ch. 181.]

PARENTS AND CHILDREN—ILLEGITIMATE CHILDREN.

An Act To amend Chapter 88 of the Revised Code of the State of Delaware, in relation to illegitimate children.

SECTION 1. That Chapter 88 of the Revised Code be and the same is hereby amended by repealing paragraph 3072, section 12, and inserting in lieu thereof the following to be known as 3072, section 12.

3072. SECTION 12. The father of an illegitimate child shall be bound to pay the trustees of the poor of any county in the State all charges they shall incur, for maintenance, or otherwise, of such child whilst under 16 years of age. They may recover the same as any other debt; or by means of any bond of indemnity, given to secure them, under the provisions of section 17 of this chapter.

SECTION 2. That Chapter 38 of the Revised Code be and the same is hereby amended by repealing paragraph 3073, section 13, and inserting in lieu thereof the following to be known as 3073, section 13.

3073. SECTION 13. Proceedings may be instituted upon complaint by the woman who has been delivered of an illegitimate, or who is pregnant, by the trustees of the poor, or by any other person upon oath before a justice of the peace, and thereupon the justice shall issue a warrant to any constable for the arrest of the person so charged.

The proceeding shall be in the name of the State, and the warrant of arrest in form as in other criminal cases. An offense under sections 12 to 28, inclusive, of this chapter, shall be held to have been committed in any county in which such woman or child may be at the time such complaint is made. It shall be the duty of the State, in cases in which application is properly made by the officers responsible for the execution of the law to provide the funds necessary for the extraditing of any person charged with an offense under said sections, who has gone to another State.

SECTION 3. That Chapter 8 of the Revised Code be and the same is hereby amended by repealing paragraph 3077, section 17, and inserting in lieu thereof the following to be known as 3077, section 17.

3077. SECTION 17. If it be determined that the person charged is the father of the child, the justice shall have the power to make an order, which shall be subject to change by the justice or his successor from time to time, as circumstances may require, directing the defendant to pay for the maintenance of the child, a certain sum periodically to the mother or other person keeping the child until the child is sixteen years old which sum shall be not less than fifteen dollars nor more than forty dollars per month. In addition thereto the justice hearing the case shall make an order requiring the defendant to pay the mother of the child a sum certain for lying in expenses not less than twenty-five nor more than forty dollars, and also a certain sum to the physician who attended the mother during her delivery not less than twenty nor more than thirty dollars. All orders made shall be in the discretion of the justice, having regard to the circumstances and to the financial ability or earning power of the defendant. The defendant shall be released from custody on probation upon his entering into a recognizance with surety in such sum as the justice may order and approve that the orders of the justice shall be carried out. The term of the

recognizance shall be for two years at which time the defendant shall be required to appear and to enter into a new recognizance upon the same terms and conditions as the expiring recognizance. If the defendant does not appear, the justice, after reasonable notice to the principal or surety, shall declare the recognizance forfeited and shall so endorse the forfeiture, with date, upon the recognizance and send it to the attorney general for collection. The condition of any recognizance shall be such that if the defendant shall make his personal appearance before the said justice or his successor whenever ordered so to do, and shall further comply with the terms of such order of support or of any subsequent modification thereof, then such recognizance shall be void, otherwise in full force and effect.

SECTION 4. That Chapter 88 of the Revised Code be and the same is hereby amended by repealing paragraph 3079, section 19, and inserting in lieu thereof the following to be known as 3079, section 19.

3079. SECTION 19. Any justice taking such bond of indemnity shall endorse his approval and shall forthwith transmit said bond to the trustees of the poor of his county and shall immediately notify the State board of charities of the giving of such bond. If he neglects this duty, he shall be deemed guilty of a misdemeanor and shall be fined not exceeding fifty dollars.

SECTION 5. That Chapter 88 of the Revised Code be and the same is hereby amended by repealing paragraph 3085, section 25, and inserting in lieu thereof the following to be known as 3085, section 25.

3085. SECTION 25. In illegitimacy cases the mother shall be a competent witness, unless otherwise legally incompetent; and if she be dead at the time of hearing, or trial, her declaration made in the time of travail, and persevered in as her dying declaration, shall be evidence.

Any, where in any proceeding against the father, it appears, by the return of the constable, that he can not be found, the justice may take the mother's deposition in his absence, and it shall be received in evidence in all cases, if her attendance can not be procured.

SECTION 6. That Chapter 88 of the Revised Code be and the same is hereby amended by repealing paragraph 3086, section 26, and inserting in lieu thereof the following, to be known as 3086, section 26.

3086. SECTION 26. The cost of proceedings in illegitimacy cases shall be paid by the father, if the paternity is established; otherwise by the county.

SECTION 7. That Chapter 88 of the Revised Code be amended by striking out 3087, section 27, and inserting in lieu thereof the following to be known as 3087, section 27.

3087. SECTION 27. A child conceived out of wedlock shall be legitimate if the parents shall intermarry before the birth of the child or if they shall intermarry after adjudication or acknowledgment of parentage after the birth of the child, or upon acknowledgment of the paternity made in writing by the parents, if both be living or by the father if the mother be not living and filed in the prothonotary's office of any county of the State. Any child legitimated solely by such acknowledgment shall not inherit from the father under the inheritance laws of this State. When an illegitimate person dies intestate and without lawful issue, his property, real and personal, if any such there be, shall pass, and belong to the mother, if living and in case of her death, to her heirs, subject always to the payment of debts and demands against such illegitimate person or persons, and to expenses of administration.

Approved March 31, A. D. 1921.

ILLINOIS.

[1919, p. 422.]

BASTARDY.

[House bill No. 745. Approved June 28, 1919.]

An Act To amend sections 1, 3, 4, 8, 11, 16 and 18 of an Act entitled: "An Act concerning bastardy," approved April 3, 1872, in force July 1, 1872, as amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Sections 1, 3, 4, 8, 11, 16 and 18 of an Act entitled, "An Act concerning bastardy," approved April 3, 1872, in force July 1, 1872, as amended, are amended to read as follows:

SECTION 1. When a woman who shall be pregnant, or delivered of a child, which, by law, would be deemed a bastard, shall make complaint to a justice of the peace or judge of a court having jurisdiction herein, in the county where she may be so pregnant or delivered, or the person accused may be found, and shall accuse under oath or affirmation, a person with being the father of such child, it shall be the duty of such justice or judge to issue a warrant against the person so accused and cause him to be brought forthwith before him, or in his absence, any other justice of the peace or judge in such county.

SECTION 3. Upon his appearance, it shall be the duty of said justice or judge to examine the woman, upon oath or affirmation, in the presence of the man alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be heard, as in cases of trials before the county court. If the justice or judge shall be of the opinion that sufficient cause appears, it shall be his duty to bind the person so accused, in bond, with sufficient security, to appear at the next term of the court having jurisdiction here'in, in such county, to answer such charge, to which court said warrant and bond shall be returned. On neglect or refusal to give bond and security, the justice or judge shall cause such person to be committed to the jail of the county, there to be held to answer the complaint.

SECTION 4. The court having jurisdiction of cases coming within the terms of an Act entitled, "An Act relating to children who are or may hereafter become dependent, neglected or delinquent, to define these terms and to provide for the treatment, control, maintenance, adoption and guardianship of the persons of such children", approved April 21, 1899, in force July 1, 1899, as amended, shall, with other courts of competent jurisdiction, have jurisdiction in the trial of all cases arising under the terms of this Act. The said court, at its next term, shall cause an issue to be made up, whether the person charged, as aforesaid, is the real father of the child or not, which issue shall be tried by a jury. When the person charged appears and denies the charge, he shall have a right to controvert, by all legal evidence, the truth of said charge.

SECTION 8. In case the issue is found against the defendant or reputed father, or whenever he shall, in open court, have confessed the truth of the charge against him, he shall be condemned by the order and judgment of the court to pay a sum of money not exceeding two hundred dollars for the first year after the birth of such child, and a sum not exceeding one hundred dollars yearly, for nine years succeeding said first year, for the support, maintenance and education of such child, and shall, moreover, be adjudged to pay all the costs of the prosecution, for which costs execution shall issue as in other cases. And the said reputed father shall be required by said court to give bond with sufficient secu-

rity, to be approved by the judge of said court, for the payment of such sum of money as shall be ordered by said court, as aforesaid; which said bond shall be made payable to the people of the State of Illinois, and conditioned for the due and faithful payment of said yearly sum, in equal quarterly installments, to the clerk of said court, which bond shall be filed and preserved by the clerk of said court.

SECTION 11. Whenever default shall be made in the payment of an installment, or any part thereof, mentioned in the bond provided for in the foregoing section, the judge of the court wherein such bond is filed shall, at the request of the mother or guardian or any other person interested in the support of such child, issue a citation to the principal and sureties in said bond, requiring them to appear on some day, in said citation mentioned, during the next term of said court and show cause, if any they have, why execution should not issue against them for the amount of the installment or installments due and unpaid on said bond, which said citation shall be served by any sheriff or constable of the county in which such principal or sureties reside or may be found, at least five days before the term day thereof. And if the amount due on such installment or installments shall not be paid at or before the time mentioned for showing cause, as aforesaid, the said judge shall render judgment in favor of the people of the State of Illinois, against the principal and sureties who have been served with said citation, for the amount unpaid on the installment or installments due on said bond, and the costs of said proceeding; and execution shall issue from said court against the goods and chattels of the person or persons against whom said judgments shall be rendered, for the amount of said judgment and costs, to the sheriff of any county in the State where the parties to said judgment, or either of them, reside or have property subject to such execution.

SECTION 16. No prosecution under this Act shall be brought after two years from the birth of such child: *Provided*, that where the reputed father has acknowledged in open court the paternity of the child, then, and in such case, prosecution may be brought at any time within two years from the last time such acknowledgment of paternity by the reputed father was made: *Provided, further*, that the time any person accused shall be absent from the State shall not be computed.

SECTION 18. The mother of a bastard child, before or after its birth, may release the reputed father of such child from all legal liability on account of such bastardy, upon such terms as may be consented to in writing by the judge of the court having jurisdiction herein of the county in which such mother resides: *Provided*, a release obtained from such mother in consideration of a payment to her of a sum of money less than eight hundred dollars in the absence of the written consent of the judge of the court having jurisdiction herein, shall not be a bar to a suit for bastardy against such father, but if, after such release is obtained, suit be instituted against such father and the issue be found against him, he shall be entitled to a set-off for the amount so paid, and it shall be accredited to him as of the first payment or payments: *And, provided, further*, that such father may compromise all his legal liability on account of such bastard child, with the mother thereof, without the written consent of such judge, by paying to her any sum not less than eight hundred dollars.

Approved June 28, 1919.

MARYLAND.

[1920, ch. 564.]

An Act To repeal and re-enact with amendments Section 5 of Article 12 of the Annotated Code of Maryland, title "Bastardy and Fornication," requiring new bond to be given in certain cases.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 5 of Article 12 of the Annotated Code of Maryland, title "Bastardy and Fornication," be and it is hereby repealed and re-enacted with amendments to read as follows:

5. Immediately upon the passage of said order, said justice of the peace shall transmit the original papers and a transcript of the proceedings had before him to said Circuit Court or the Criminal Court of the City of Baltimore, as the case may be, and thereupon, but not before said woman shall have been delivered, the same proceedings shall be had as in other criminal cases, and if the accused person shall be found guilty by the verdict of a jury, or by the court, if the case be tried before the court, the court shall immediately order such person to give bond to the State of Maryland in a penalty not exceeding \$500 with good and sufficient securities conditioned to pay for the maintenance and support of said child, to the mother, or to the person having said child in custody, or to the county or to the City of Baltimore, as the case may be, if said child be a public charge, until said child reaches the age of twelve years, or during the life of such child if said child die before reaching the age of twelve years, such sum, not exceeding \$15 per month, as the court shall by order direct, due regard being had to the circumstances of such accused person, and further to pay the whole or such part of the expenses incurred by the said mother during her confinement as the court may direct and to pay the reasonable funeral expenses of said child if he or she shall die under the age of twelve years; in default of such bond he shall be committed to jail or the house of correction until said bond be given, but not exceeding two years. In the event that any person who goes security on said bond shall die or become insolvent, the said court shall require a new bond to be given in the same penalty and on the condition as the original bond, and on the failure of such accused person to give the aforesaid renewal bond, he shall be subject to the same penalty as for failure to give bond in the first instance.

SECTION 2. *And be it further enacted,* That this Act shall take effect June 1, 1920.

Approved April 16, 1920.

MASSACHUSETTS.

[1922, ch. 397.]

An Act Relative to the entry of temporary orders providing for the support of wife, or children, in desertion, nonsupport, and bastardy cases.

Be it enacted, etc., as follows:

Section four of chapter two hundred and seventy-three of the General Laws is hereby amended by striking out said section and substituting therefor the following new section:

SECTION 4. The district court, or a trial justice, at any time after arraignment and before an appeal from such court or trial justice is perfected by entry in the superior court, and the superior court at any time after such entry and before final determination of the case, may, upon motion of the complainant or

district attorney and upon notice to the defendant, enter such temporary order as may seem just, providing for the support of the wife, or children, or both, pendente lite, and said order, wherever made, shall continue in force until modified or revoked by the court before which the case is pending. If any such order is made by a district court, or by a trial justice, an appeal to the superior court shall not vacate such order. Violation of an order made by either court may be punished as for a contempt by the court before which the case is then pending.

Approved May 9, 1922.

MINNESOTA.

[1919 (special session), ch. 50.]

[Defining and regulating maternity hospitals.]

SEC. 7. *Information as to the legitimacy of child.*—Whenever a woman who within ten days after delivery of a child, or a woman who is pregnant, is received for care in a maternity hospital, the licensee of such maternity hospital or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate and if there is reason to believe that such child is illegitimate, or will be when born illegitimate, such licensee shall report to the state board of control forthwith the presence of such woman, together with such other information as shall be within the knowledge of the licensee and as the board may require.

MINNESOTA.

[1919 (special session), ch. 52.]

[Defining and regulating infant homes.]

SEC. 5. *Ascertaining as to legitimacy.*—Whenever an infant is received for care in an infants' home, the licensee of such home shall use due diligence to ascertain whether such child is legitimate and in case there is any reason to believe that such infant is an illegitimate child, then and in such case such licensee shall notify the board of control thereof and furnish said board with such information bearing on such question as may have come to the knowledge of the licensee or any officer or agent of any such home.

MINNESOTA.

[1921, ch. 273.]

An Act To amend sections 4651, 4652, 4656, 4657, 4660, and 4661, General Statutes of Minnesota 1913, as amended by Chapter 220, Session Laws Minnesota 1917, and to repeal section 3 of Chapter 220 of the General Laws of 1917, all of said sections relating to the record of births and deaths,

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. *Certificate of birth—By whom furnished—Contents.*—That Section 4651 of the General Statutes of 1913 as amended by Chapter 220 of the Laws of 1917, be and the same is hereby amended so as to read as follows:

"SECTION 4651. The physician or midwife attending at the birth of any child, or, if there is no attending physician or licensed midwife, the father or mother, shall within ten days thereafter, subscribe and file with the local registrar of the district within which the birth occurs, a certificate of birth specifying: * * *

"Legitimate or no, * * *."

SEC. 4660—A. *Judgment of paternity—Facts to be recorded.*—Whenever the clerk of the district court shall report to the state registrar that a judgment has been entered determining the paternity of an illegitimate child, the state registrar shall record the name of the father, and sufficient data to identify the judgment, in connection with the record of the birth of the child appearing in his office, and also in connection with the record of the death of the child, if there be such record. A report by the clerk of the subsequent vacation of such judgment shall be recorded in like manner.

Likewise whenever any district court shall enter a judgment that any person named on a birth certificate or death certificate, as the father of an illegitimate child, is not in fact the father of such child, the clerk of such court shall forward to the state registrar and to the local registrar of the district in which such birth or death is reported, a copy of its judgment; whereupon, it shall be the duty of such registrars to make such corrections as to the statement of paternity on such birth or death certificate, and to attach to the original, or to his record of the original, a copy of such judgment.

SEC. 4660—B. *Fact of illegitimacy not to be disclosed—exception.*—Except when so ordered by a court of record no member of the state board of health, nor any state or local registrar, nor any person connected with the office of either, shall disclose the fact that any child was illegitimate. The district court shall have jurisdiction, upon petition against and notice to the state registrar, to issue orders permitting or requiring the inspection of records of births and deaths, as to it may seem just and proper, and the making and delivery of certified copies thereof.

SEC. 6. *Certified copies as record of evidence—Fees.*—That Section 4661 of the General Statutes of 1913 as amended by Chapter 220 of the Session Laws of 1917 be and the same is hereby amended so as to read as follows:

"SECTION 4661. The State registrar, or any local registrar, shall furnish any applicant therefor a certified copy of the record of any birth or death recorded under the provisions of this act, provided that the fact that any child was illegitimate, shall not be disclosed except when ordered by a court of competent jurisdiction in accordance with section 4660—B. For the making and certification of which the registrar shall be entitled to receive a fee of fifty cents, to be paid by the applicant. Such a copy of the record of a birth or death, when certified by the state or local registrar to be a true transcript therefrom shall be prima facie evidence of the fact therein stated in all courts in this state. The state registrar shall keep a correct account of all fees or moneys received by him under the provisions of this act, and pay the same over to the state treasurer at the end of each month."

Approved April 14, 1921.

MINNESOTA.

[1921, ch. 489.]

An Act To amend sections 3214, 3216, 3217, 3218, 3219, 3220, 3221, 3222, chapter 17, General Statutes 1913, as amended by chapter 219, Laws 1917, and to amend subdivision marked "3225(a)" of section 1, chapter 210, Laws 1917, relating to illegitimate children.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. *Laws amended.*—That sections 3214, 3216, 3217, 3218, 3219, 3220, 3221, 3222, chapter 17, General Statutes 1913 as amended by chapter 210, Laws 1917, and subdivisions marked 3225 (a) of section 1 of chapter 210, Laws 1917, be and the same are hereby amended to read as follows:

3214. *Complaint—Where filed—Warrant.*—On complaint being made to a justice of the peace or municipal court by any woman who is delivered of an illegitimate child, or pregnant with a child which, if born alive, might be illegitimate, accusing any person of being the father of such child, the justice or clerk of the court shall take the complaint in writing, under her oath, and thereupon shall issue a warrant, directed to the sheriff or any constable of the county commanding him forthwith to bring such accused person before such justice or court to answer such complaint; which warrant may be executed anywhere within the State. Such complaint shall be filed and further proceedings had either in the county where the woman resides or in the county where the alleged father of the child resides or in the county where the child is found, if it is likely to become a public charge upon such county.

3216. *Defendant to give bond—May plead guilty.*—If there is probable cause to believe the defendant guilty as charged in the complaint, the justice or judge shall require him to enter into a recognizance, with approved securities, in the sum of not less than three hundred dollars nor more than one thousand dollars, to appear before the district court of the proper county at the next term thereof, or if such court is then sitting in the county, at a date fixed by the justice or judge, and answer said complaint and abide the order of such court thereon. If he fails to give such recognizance, the justice or judge shall commit him to the county jail, there to be held to answer such complaint at the next term of such court, or at the date so fixed; *provided, however*, that said accused may appear before the court at any time and enter a plea of guilty to such complaint. Thereupon the justice or judge shall certify the examination, and return the same and all process and papers in the case of the clerk of such court.

3217. *Continuance.*—At the next term of said court, or at the date fixed by the justice or judge, if the complainant has not been delivered or is not able to attend, or for any other sufficient reason, the court may continue the cause, and such continuance shall renew the recognizance, which shall remain in force until final judgment. If the sureties shall at any term of court surrender the defendant and ask to be discharged, or if the court shall at any time deem it proper, it may order a new recognizance to be taken, and commit the defendant until it is given.

3218. *Trial—Judgment—Default—Duties of board of control.*—Upon the trial the examination taken before the justice or judge of the municipal court shall in all cases be read to the jury when demanded by the defendant. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child and thenceforth shall be subject to all the obligations for the care, maintenance and education of such child, and to all the penalties for failure to perform the same, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity. Judgment shall also be entered against him for all expenses incurred by the county for the lying-in and support of and attendance upon the mother during her sickness, and for the care and support of such child prior to said judgment of paternity, the amount of which expenses, if any, shall also be found by the judge, together with the costs of prosecution. If the defendant fails to pay the amount of such money judgment forthwith, or during such stay of execution as may be granted by the court, he shall be committed to the county jail, there to remain until he pays the same or is discharged according to law; *provided, however*, that no stay shall be granted unless the defendant shall give a bond to the county, in such sum and with such sureties as shall be

approved by the court, for the payment of such money judgment on or before the expiration of such stay. Upon due notice to the State board of control or the duly appointed guardian of the child, the judge of the district court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the State board of control or the county child welfare board, if there be one, or the duly appointed guardian of such child such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child. Or such order may provide for the payment, in the manner heretofore provided, of a specific sum each month, or at other stated intervals, for the purpose hereinbefore specified, and may further require the father of such child to furnish such bond or other security for the performance of said order as may be proper and necessary. The court shall further fix the amount and order the defendant to pay all expenses necessarily incurred by, or in behalf of, the mother of such child, in connection with her confinement and the care and maintenance of the child prior to judgment. If the defendant fails to comply with any order of the court, hereinbefore provided for, he may be summarily dealt with as for contempt of court, and shall likewise be subject to all the penalties for failure to care for and support such child, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity, and in case of such failure to abide any order of the court, the defendant shall be fully liable for the support of such child without reference to such order.

3219. *Father to pay all expenses.*—In the event of judgment of paternity as provided in section 3218 the mother shall be entitled to recover of the father in a civil action all expense necessarily incurred by her in connection with her confinement, including her suitable maintenance for not more than eight weeks next prior thereto and not more than eight weeks thereafter; and for the burial of the child if the same shall have been still born, or shall have died after birth, and all necessary expenses and doctor's bills in connection with her or said child's sickness. The provisions of this section shall apply only to such expense or portion thereof as is not otherwise provided for by order of the court.

3220. *Application for discharge from imprisonment.*—Any person who has been imprisoned ninety days for failure to pay any such money judgment for expenses incurred by the county as hereinbefore set forth, may apply to said court, by petition setting forth his inability to pay the same, and praying to be discharged from imprisonment, and shall attach to such petition a verified statement of all his property, money and effects whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing said application, of which the petitioner shall give at least ten days' notice to the county attorney.

3221. *Hearing—Judgment.*—At the hearing the defendant shall be examined on oath in reference to the facts set forth in such petition and his ability to pay such money judgment, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to pay such judgment the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has such property conveyed or concealed, or in any manner disposed of with design to secure the same to his own use or to avoid in any manner payment of such judgment. The court, as a condition of such discharge may require the defendant to pay such judgment in monthly or other installments, as the earning capacity of the defendant may justify. If upon such hearing it appears that the defendant has property; but

not sufficient to pay such judgment, the court may make such order concerning the same in connection with such discharge as justice may require. The defendant's discharge as aforesaid shall not affect the right of the county to collect upon execution any portion of such judgment remaining at any time unsatisfied, subject to all the provisions of law relating to judgments for the payment of money; or the right of the court to recommit the defendant if at any time it shall appear to the court that the defendant is possessed of means to pay said judgment but will not do so.

3222. *Who may make complaint.*—If a woman is delivered of an illegitimate child, or is pregnant with a child likely to be illegitimate when born, the county board of the county where she resides, or any member thereof, or the State board of control, or any person duly appointed to perform in said county any of the duties of said board relating to the welfare of children, may apply by complaint to a justice of the peace of the county or to a municipal court to inquire into the facts and circumstances of the case. Such complaint shall be filed and further proceedings had, either in the county where such mother resides, or in the county of the residence of the alleged father of such child, or in the county where such child may be found, if it is likely to become a public charge therein.

3225. *(a) State board of control or guardian may make settlement.*—The State board of control or the duly appointed guardian of the person of an illegitimate child shall have authority to accept from the acknowledged father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child, in full settlement of all obligations for the care, maintenance and education of such child; and shall hold or dispose of the same as ordered by said court. Such settlement shall discharge the father of all further liability, civil and criminal, on account of such child; *provided* that such settlement shall not affect any liability of the father under section 3219; *and provided* that this section shall not apply to any case where a judgment of paternity has been entered pursuant to the provisions of this statute.

Approved April 23, 1921.

MISSISSIPPI.

[1922, ch. 232. House bill No. 267.]

An Act To amend section 1655, code of 1906 (section 1387 Hemingway's code), to provide for inheritance from illegitimates.

Descent among illegitimates—to apply to all estates of illegitimates now being administered upon—Section 1655 code amended, Hemingway's code, section 1387.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That section 1655, code of 1906 (section 1387 Hemingway's code), be, and the same is hereby amended so as to read as follows:

Descent among illegitimates.—If any man beget a child or children by a woman whom he shall afterward marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be legitimate, and capable in law to inherit and transmit inheritance as if born in wedlock. All illegitimates shall inherit from their mother, and from her other children, and from her kindred, according to the statutes of descent and distribution; and the children of illegitimates and their descendants shall inherit from the brothers and sisters of their father or mother, whether legitimate or illegitimate, and from their grandparents. But the children of illegitimates shall not inherit from any ancestor or collateral kindred if there be legitimate

heirs of such ancestor or collateral kindred, in the same degree, to whom the estate would otherwise descend. And the mother of an illegitimate, and her other children whether they be legitimate or illegitimate, shall inherit from an illegitimate.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. That this act take effect and be in force from and after its passage, and that it shall apply to all estates which are now in process of administration in any court of this state.

Approved March 30, 1922.

MISSOURI.

[1919, p. 247.]

ABANDONMENT OF CHILDREN.

An Act To amend article 4 of chapter 36 of The Revised Statutes of the State of Missouri of 1909, by amending section 4490 of said article by adding the following words at the end of said section: "This section shall apply without regard to whether the child was born in lawful wedlock."

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. *Amending section 4490.*—That section 4490 of article 4, chapter 36 of the Revised Statutes of Missouri, of 1909, be, and the same is hereby amended by adding at the end of said section the following words: "This section shall apply without regard to whether the child was born in lawful wedlock," so that said section as amended shall read as follows:

SEC. 4490. *Abandonment of children.*—If any father or mother of any child under the age of six years, or any other person to whom such child shall have been confided, shall expose such child in a street, field, or other place, with intent wholly to abandon it, he or she shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years or in the county jail not less than six months. This section shall apply without regard to whether the child was born in lawful wedlock.

Approved May 30, 1919.

MISSOURI.

[1921, pp. 117-118.]

ADMINISTRATION.

[Relating to descents and distributions.]

SECTION 1. *Repealing sections 311, 312 and 314 and enacting four new sections in lieu thereof.*—That sections 311, 312 and 314 of article XV of chapter 1 of the Revised Statutes of Missouri for the year 1919, entitled "Descents and distributions," be, and the same are, hereby repealed, and four new sections relating to descents and distributions of estates and to form a part of said article XV of said chapter 1, enacted in lieu of said repealed sections, and said new sections to be designated and numbered, respectively, as sections 311, 311a, 312 and 314 to read as follows:

SEC. 311. *Child born out of wedlock—rights and powers.*—A child heretofore born out of wedlock shall hereafter be capable of inheriting and transmitting inheritance from its mother, and such mother may inherit from such child in like manner as if it had been born in lawful wedlock. A child hereafter born

out of wedlock shall be capable of inheriting and transmitting inheritance from both of its parents, and its parents and other blood relatives shall be capable of inheriting and transmitting inheritance from such child in like manner as if it had been born in lawful wedlock; Provided, however, that the provisions of this section shall not apply except in cases where the paternity of such child or children shall have been established by an action of law begun during the lifetime of the alleged father of such child.

Sec. 311a. *Child born out of wedlock authorized to institute a suit, when.*—Whenever any child shall have been born out of lawful wedlock and the father and mother of such child shall not thereafter intermarry then the mother of such child or any person of kin within the second degree of consanguinity shall be authorized to institute a suit in the circuit court having competent jurisdiction, the object and purpose of which shall be the obtaining of a decree establishing the paternity of said child; the practice and proceedings relative thereto shall be the same as in ordinary civil cases; providing however, that no suit shall be instituted for the establishment of such paternity wherein the child and the alleged father do not belong to the same race.

Sec. 312. *Shall be deemed lawful child, when.*—If a man having a child by a woman, shall hereafter marry such woman, such child shall be deemed the lawful child of both father and mother as from the time of its birth. And if a man shall marry a woman having, at the time, a child or children born out of wedlock and shall take such child or children into his home and shall hold them out as his own, such act shall be deemed conclusive proof that such man is the father of said child or children.

Sec. 314. *Issue of certain slave marriages legitimized.*—The children of all parents who were slaves and were living together in good faith as man and wife at the time of the birth of said children, shall be deemed and taken to be the lawful children of such parents, and all of the children of any one mother who was a slave at the time of their birth, shall be deemed lawful brothers and sisters.

Approved March 31, 1921.

MISSOURI.

[1921, pp. 281-282.]

CRIMES AND PUNISHMENTS: RELATING TO MISTREATMENT OF CHILDREN—ABANDONMENT OR DESERTION OF WIFE, AND PROVIDING FOR PAYMENT OF EXPENSES OF EXTRADITION.

An Act To amend article 4, chapter 24 of the Revised Statutes of Missouri for the year 1919, relating to crimes and punishments, by repealing sections 3273 and 3274 of said article and enacting two new sections in lieu thereof, to be known as sections 3273 and 3274 and by adding two new sections to said article 4, chapter 24, to be known as section 3274a and 3274b relating to the same subject.

SECTION 1. *Repealing section 3273 and 3274 and enacting two new sections.*—That sections 3273 and 3274, article 4, chapter 24, Revised Statutes of Missouri for the year 1919, be and the same are hereby repealed and two new sections enacted in lieu thereof, to be known as sections 3273 and 3274, to read as follows:

Sec. 3273. *Mistreatment of children—Penalty.*—If any mother or father of any infant child under the age of sixteen years, whether such child was born in lawful wedlock or not, or any person who has adopted any such infant, or any other person having the care and control of any such infant, shall unlawfully and purposely assault, beat, wound or injure such infant, whereby its life shall be endangered or its person or health shall have been or shall be likely

to be injured, the person so offending shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars or by both such fine and imprisonment.

Approved April 7, 1921.

NEBRASKA.

[1919, ch. 221.]

MOTHERS' PENSIONS.

SECTION 2. *Mothers who may obtain relief.*—A mother whose husband is dead, or whose husband has become permanently incapacitated for work by reason of physical or mental infirmity, or is confined in a penal institution, and a mother who is unmarried, or has been married and is divorced, or has been deserted by husband, may file a petition for relief under this act, provided such mother has had a residence for two years in the county where such petition is filed and is the mother of a child or children: *Provided, further*, however no mother shall receive any support whose husband, or whose divorced husband has means and can be legally made to assist in the support of his children. Such petition shall be filed with the juvenile court of the county where such mother resides, and may be verified on information and belief.

NEBRASKA.

[1921, ch. 246.]

An Act To provide compulsory institutional care for women immediately before and after confinement, and for the temporary care of the mother and child, in the state industrial home for women at Milford in cases where the mother is unable properly to provide for herself, where no relatives or friends have provided care, and where the mother has refused proper care when offered by a public or private institution or organization.

Be it enacted by the people of the State of Nebraska:

SECTION 1. *Industrial home—Compulsory care.*—The services of the state industrial home for women at Milford shall be freely given to any woman or girl who is a proper subject for its care on application. When, through ignorance, misunderstanding, prejudice or mental defect, a woman in need of the care of such institution refuses to accept care when offered in this institution, and when it is necessary, for the welfare of the unborn child, provision may be made for the compulsory care and treatment of such persons, as prescribed in the following sections.

SEC. 2. *Same—Actions at law.*—On complaint made to any district or county judge, or judge of a court of domestic relations in this state, naming any unmarried woman resident in the county, and stating that such unmarried woman is pregnant and is without means of properly providing for herself during confinement, and has refused to accept care in the state industrial home for women at Milford, and has refused to accept care in any accredited maternity hospital or rescue home, and is likely to become a public charge, or is likely to give birth to any unfiliated child without proper means for the care of herself or child, the judge shall take such accusation in writing and thereupon issue his warrant directed to the sheriff or constable commanding him forthwith to bring such accused person before the court to answer such complaint. On return of such warrant the judge shall inquire into the truth or falsity of the allegations in the complaint, shall question the person accused, shall hear such witnesses as may be subpoenaed, and if, upon such examination

it shall seem probable that said person is pregnant and has refused proper care when offered, and has no means of properly caring for herself in confinement, the judge may order said person to be examined by a licensed physician, and shall take the testimony of such physician, and if from all the testimony, the judge shall find that such person is pregnant and unmarried, and has no proper means of providing care for herself during confinement, he shall explain to her the purposes of the state industrial home for women and on behalf of the state may offer to secure free admission to such institution and may likewise offer the services of any charitable or other institution which is known to be willing to furnish such care for unmarried mothers during confinement, free of charge, and which are certified by the state child welfare bureau as proper places for the care of women during confinement, and if such person shall then refuse to accept care in the state industrial home for women, or any other maternity hospital, or institution for the care of women during confinement which is certified by the state child welfare bureau, or any other institution, or with any person which may be approved by the judge hearing the case, and if it appears to be necessary for the welfare of the unborn child, the court may order such pregnant woman to be committed to the care and custody of the state industrial home for women, and shall enter an order of commitment, placing her under the control of the superintendent of such institution, subject to the rules and regulations of said institution for a period not to exceed one year.

SEC. 3. *Same—Information.*—A copy of the order of commitment containing the information as to the name, age, circumstances and condition of the person committed, as required by the state industrial home for women, shall be delivered to a woman probation officer, police officer, or other woman officer appointed by the court who shall conduct such pregnant woman to the state industrial home for women. The judge shall also enter an order taxing the costs of the court proceedings and of the transportation for the person committed and the attendant to the state industrial home for women to the county in which the order of commitment is made, said costs to be paid out of the general funds of said county.

SEC. 4. *Sections independent.*—If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Approved April 19, 1921.

NEVADA.

[1921, ch. 216.]

An Act To amend section 4 of an act entitled "An act to provide for the adoption of children," approved February 20, 1885, being section 5828, Revised Laws of Nevada, 1912.

Approved March 22, 1921.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4 of the above-entitled act is hereby amended so as to read as follows:

SECTION 4. *Adoption of illegitimate child; consent of parents necessary, when.*—A legitimate child cannot be adopted without the consent of its parents, if they be living and known, nor any illegitimate child without the consent of its mother if she be living and known, and not without the consent of the father of such illegitimate child also, if he be living and known, and if he shall have adopted such illegitimate child as his own, by the acts and in the

manner prescribed by section 9 of this act; provided, however, that such consent is not necessary in the following cases, to wit:

When consent not necessary.—1. From a father or mother if deprived of civil rights.

2. From a father or mother adjudged guilty of adultery or cruelty of abandonment, and for any such cause divorced.

3. From a father or mother who has been judicially deprived of the custody and control of such child on the ground of adultery, abandonment, cruelty, neglect, or habitual intemperance, either by order of the juvenile court declaring said child to be free from the custody and control of its parents as provided in the juvenile court law of the State of Nevada, approved March 24, 1909, and any act or acts superseding or amending the same, or by order of the juvenile court of the county where such child was left in the care and custody of another by its parent or parents, without any provisions for its support, for the period of one year, determining such child to be an abandoned child as defined in said juvenile court law; *provided, however*, that said juvenile court shall never make such order of abandonment without first giving notice of said abandonment proceeding by personal service of citation or other court process on the parent or parents or person having the custody of such child residing within the State, if their residence is known, and also such other or further notice to said parent or parents or person having the custody of such child or other person or persons as the court may require, or by order of any court of competent jurisdiction.

4. From a father or mother who has been declared either incurably feeble-minded or insane by a court of competent jurisdiction.

From a father or mother of any child deserted by its parents without provision for their identification.

From a father or mother of any child relinquished by its parent or parents for the purpose of adoption expressed in writing signed and acknowledged by such parent or parents before an officer authorized to take acknowledgments, or signed by such parent or parents before two subscribing witnesses.

* * * * *

NEW JERSEY.

[1922, ch. 175, p. 299.]

A supplement to an act entitled "An act providing for the hearing and determination of disputes or matters affecting the domestic relations and welfare of children and conferring jurisdiction upon the county juvenile courts," approved February eighteenth, one thousand nine hundred and eighteen.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. *Jurisdiction extended to bastardy cases.*—In counties of this State where there is or may hereafter be established a county juvenile court, said court is hereby vested with concurrent jurisdiction to hear and determine disputes regarding the parentage, care, custody, and maintenance of illegitimate children, as provided for in the act entitled "An act for the maintenance of bastard children" (Revision of 1898).

2. *Complainant.*—Complaint may be made by the mother of said child or by two disinterested citizens without the intervention of the overseers of the poor.

3. This act shall take effect immediately.

Approved March 11, 1922.

NEW YORK.

[1919, ch. 202.]

An Act To amend the code of civil procedure, in relation to the legitimacy, custody and maintenance of children of a marriage which has been declared a nullity or annulled.

Became a law April 11, 1919, with the approval of the Governor. Passed, three-fifths being present.

The people of the State of New York represented in Senate and Assembly do enact as follows:

SECTION 1. Sections seventeen hundred and forty-five, seventeen hundred and forty-nine and seventeen hundred and fifty-one of the code of civil procedure are hereby amended to read, respectively, as follows:

SEC. 1749. *Legitimacy of children.*—The following provisions govern the effect of declaring a marriage void or annulling a voidable marriage upon the legitimacy of children of the marriage.

1. If a marriage be annulled on the ground that one or both of the parties had not attained the age of legal consent, a child of the marriage is deemed the legitimate child of both parents.

2. If a marriage be annulled on the ground of the idiocy or lunacy of one of the persons entering into the marriage, a child of the marriage is deemed the legitimate child of the parent of sound mind, and the court by the judgment may decide that a child of the marriage is the legitimate child of the parent of unsound mind.

3. If a marriage be annulled on the ground of the idiocy or lunacy of both of the persons entering into the marriage, the court by the judgment may decide that a child of the marriage is the legitimate child of either or both parents.

4. If a marriage be annulled on the ground of force, duress or fraud, a child of the marriage is deemed the legitimate child of both parents unless the court by the judgment decides otherwise as to either or both parents.

5. If a marriage be declared a nullity as incestuous, a child of the marriage is deemed the legitimate child of both parents.

6. If a marriage be declared a nullity or annulled upon the ground that the former husband or wife of one of the parties was living, the former marriage being in force, if it appears, and the judgment determines, that the subsequent marriage was contracted by at least one of the parties thereto in good faith, and with the full belief that the former husband or wife was dead or that the former marriage had been annulled or dissolved, or without any knowledge on the part of the innocent party of such former marriage, a child of such subsequent marriage is deemed the legitimate child of the parent who at the time of the marriage was competent to contract. If either or both parties to such subsequent marriage were incompetent to contract, the court of the judgment may decide that a child of the marriage is the legitimate child of such an incompetent.

7. If a marriage be declared a nullity or annulled for any cause or under any conditions other than those specified in the foregoing subdivisions, the court by the judgment may decide that a child of the marriage is the legitimate child of either or both of its parents.

8. If the court be authorized by this section to decide that a child of a marriage is the legitimate child of either or both of its parents, the judgment may limit the effect of legitimatization to rights other than succession to real and personal property of a deceased parent.

NEW YORK.

[1919, ch. 337.]

An Act To amend the Greater New York charter, in relation to abandonment proceedings, and repealing certain sections.

Became a law May 3, 1919, with the approval of the Governor. Passed, three-fifths being present. Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six hundred and eighty-four of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

(CONDUCT OF BASTARDY PROCEEDINGS.)

SEC. 684. All bastardy proceedings shall be conducted by and in the name of the commissioner, and the amount collected shall be paid to the commissioner, to be by him applied to the support of the child or of the child and its mother, and shall be accounted for by him in a manner approved by the comptroller. The commissioner shall have authority to compromise bastardy cases.

SEC. 2. Sections six hundred and eighty-three, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine and six hundred and ninety of said charter, are hereby repealed.

SEC. 3. This act shall take effect July first, nineteen hundred and nineteen.

NEW YORK.

[1921, ch. 363.]

An Act To amend the second class cities law, in relation to duties of corporation counsel in bastardy proceedings.

Became a law April 30, 1921, with the approval of the Governor. Passed, three-fifths being present.

SECTION 1. Section two hundred and one of chapter fifty-five of the laws of nineteen hundred and nine, entitled "An act in relation to cities of the second class, constituting chapter fifty-three of the consolidated laws," is hereby amended to read as follows:

SEC. 201. *Duties of the corporation counsel.*—The corporation counsel shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city. He shall appear for and protect the rights and interests of the city in all actions, suits and proceedings brought by or against it or any city officer, board or department, including the commissioner of charities in bastardy proceedings. * * *

NEW YORK.

[1921, ch. 600.]

An Act To amend the inferior criminal courts act of the city of New York, in relation to the jurisdiction of the court of special sessions.

Became a law May 6, 1921, with the approval of the Governor. Passed, three-fifths being present. Accepted by the city.

SECTION 1. Subdivision three of section thirty-one of chapter six hundred and fifty-nine of the laws of nineteen hundred and ten, entitled "An act

in relation to the inferior courts of criminal jurisdiction in the city of New York, defining their powers and jurisdiction and providing for their officers," as amended by chapter five hundred and seventeen of the laws of nineteen hundred and eighteen, is hereby amended to read as follows:

3. *Jurisdiction of court of special sessions relative to bastardy proceedings.*—It shall have exclusive jurisdiction in the first instance of all proceedings respecting bastards within the city of New York, and the jurisdiction conferred by sections eight hundred and thirty-eight to eight hundred and sixty, inclusive, of the code of criminal procedure shall be exclusively exercised within said city by said court. The jurisdiction conferred by sections eight hundred and seventy-seven to eight hundred and eighty, inclusive, of the code of criminal procedure shall be exercised within said city by said court concurrently with the county courts within said city. The application specified in section eight hundred and forty of said code of criminal procedure shall be made to a part of the court of special sessions in the county wherein a bastard is born, or where the woman pregnant of a bastard likely to be born is. If a bastard child be born without the state of New York, or without the city of New York, the commissioner of public welfare of the city of New York, may, if the mother of the said child is a bona fide resident within the said city, make application to the court of special sessions in the county in which the said mother resides in the same manner as in the case of a bastard child born within the city of New York. If a defendant desire to appeal from an order of filiation, mentioned in section eight hundred and fifty of the code of criminal procedure, such appeal shall be taken in accordance with section forty of this act, except that the presiding justice, or in his absence or disability, any justice who sat on the trial of the defendant, may take a bond from the defendant in such sum and with such sureties as the said justice may approve, or, in lieu thereof, a deposit of money, that he will abide the final decision of the appeal taken by him, and will pay all costs and disbursements on appeal, and that if the said order of filiation be affirmed he will obey it and make all the payments therein directed; and if the defendant is in custody, the justice may thereupon order that the defendant be discharged from imprisonment and that all proceedings on the order of filiation be stayed pending the decision of the appeal therefrom. But a defendant who has executed an undertaking to obey an order of filiation and indemnify the public, as provided in section eight hundred and fifty-one of the code of criminal procedure, can not appeal from any other part of said order than that which fixes the weekly or other allowance to be paid. If the said bond on appeal shall not be complied with it must be sued upon by the commissioner of public welfare.

SEC. 2. This act shall take effect immediately.

NORTH CAROLINA.

[Public Laws 1921, ch. 109.]

An Act To amend section 273 of the Consolidated Statutes of North Carolina, relative to bastardy.

The General Assembly of North Carolina do enact:

SECTION 1. *Allowance to mother.*—That section two hundred seventy-three of the Consolidated Statutes of North Carolina, be and the same is hereby amended by striking out the words "fifty dollars" in line three thereof, and insert in lieu thereof the words "two hundred dollars."

SEC. 2. *Repealing clause.*—All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1921.

OREGON.

[1919, ch. 47.]

AGE OF MAJORITY—ILLEGITIMATE CHILD—ADOPTION.

An Act To amend section 7099 of Lord's Oregon laws, as amended by chapter 31 of the general laws of Oregon of 1915.

Be it enacted by the People of the State of Oregon:

SECTION 1. That section 7099 of Lord's Oregon laws, as amended by chapter 31 of the general laws of Oregon of 1915, be amended to read as follows:

SECTION 7099. All female persons shall be deemed to have arrived at the age of majority upon their being married, according to law, or, for the purpose of consenting to the adoption of an illegitimate child when it is shown in the court in which such adoption proceedings are pending, that such female person is the mother of said illegitimate child * * *.

Approved by the governor February 15, 1919.

Filed in the office of the secretary of state February 15, 1919.

PENNSYLVANIA.

[1919, No. 439, p. 1075.]

An Act To amend an act, approved the eleventh day of July, one thousand nine hundred and seventeen, entitled "An act making it a misdemeanor for a parent wilfully to neglect to support a child born out of lawful wedlock, whether such child shall have been begotten or shall have been born within or without this Commonwealth; providing punishment therefor, and empowering the court to make an order for support and to enforce the same. And declaring persons making false statements, in certain cases, guilty of perjury."

SECTION 1. *Children born out of wedlock—Failure of parent to support.*—*Be it enacted, &c.,* That section two of an act, approved the eleventh day of July, one thousand nine hundred and seventeen (Pamphlet Laws, 773), entitled "An act making it a misdemeanor for a parent wilfully to neglect to support a child born out of lawful wedlock, whether such child shall have been begotten or shall have been born within or without this Commonwealth; providing punishment therefor, and empowering the court to make an order for support and to enforce the same. And declaring persons making false statements, in certain cases, guilty of perjury," which reads as follows:

"SECTION 2. Proceedings under this act may be instituted upon complaint made, under oath or affirmation, by the parent of such child," be, and the same is hereby, amended to read as follows:

SECTION 2. *Procedure—Limitation.*—Proceedings under this act may be instituted upon complaint made, under oath or affirmation, by the parent of such child. All prosecutions under this act must be brought within two years of the birth of the child: *Provided, however,* That where the reputed father shall have voluntarily contributed to the support of the child, or shall have acknowledged in writing his paternity, then a prosecution under this act may be brought at any time within two years of any such contribution or acknowledgement by the reputed father.

SECTION 2. *Repeal.*—All acts and parts of acts inconsistent with this act are hereby repealed.

Approved the 21st day of July, A. D. 1919.

SOUTH CAROLINA.

[1920, No. 576, p. 1039.]

An Act To amend section 3562, of the Code of Laws of 1912, so as to permit brothers or sisters of illegitimate children to inherit from each other.

SECTION 1. *Section 3562, Civil Code, 1912, Vol. I, amended*—*Brothers and sisters of illegitimates may inherit.*—*Be it enacted by the General Assembly of the State of South Carolina:* That Section 3562, of the Code of Laws of 1912, be, and the same is hereby, amended by adding after the word "legitimate," the following: "and all children of the same mother, whether legitimate or illegitimate, shall likewise inherit from each other as to any property, real or personal, inherited from their mother; and illegitimate children of the same mother shall have the same right to inherit from each other that they would have had they been legitimate." And amend further, by inserting after the word "mother," and before the word "of," on line ten, the words, "or brother or sister," so that said section, when so amended, shall read as follows:

SECTION 3562. Any illegitimate child or children, whose mother shall die intestate, possessed of any real or personal property, shall be, so far as said property is concerned, an heir or heirs at law as to such property, notwithstanding any law or usage to the contrary. Whenever any illegitimate child shall die in this State, leaving property, real or personal, the mother of such child shall have the same right to inherit from such child as she would have if said child had been legitimate, and illegitimate children of the same mother shall have the same right to inherit from each other that they would have had they been legitimate; and all children of the same mother, whether legitimate or illegitimate, shall likewise inherit from each other, as to any property, real or personal, inherited from their mother. In the event of death of such illegitimate child, or the mother of such illegitimate child, by the wrongful or negligent act of another, such illegitimate child, or the mother or brother or sister of such illegitimate child, shall have the same rights and remedies in regard to such wrongful or negligent act as though such illegitimate child had been born in lawful wedlock.

Approved the 12th day of March, A. D. 1920.

SOUTH DAKOTA.

[1921, ch. 137, p. 228.]

BASTARDY—RELATING TO BASTARDY PROCEEDINGS.

An Act Entitled, an Act to amend sections 2981 and 2985 of the South Dakota Revised Code of 1919, relating to bastardy proceedings, and declaring an emergency.

Be it enacted by the Legislature of the State of South Dakota:

SECTION 1. That Section 2981 of the South Dakota Revised Code of 1919 be and the same is hereby amended to read as follows:

SECTION 2981. *Complaint.*—When an unmarried woman who shall be pregnant or delivered of a child, which by law would be deemed a bastard, shall make a complaint to any committing magistrate of the county where she may be so pregnant or delivered or the person accused may be found, and

shall accuse, under oath or affirmation, a person with being the father of such child, it shall be the duty of such magistrate to issue a warrant against the person so accused and cause him to be brought forthwith before him, or in his absence any other magistrate in such county. The word "justice" as used in Section 2982 of this chapter shall be construed to refer to any committing magistrate before whom such proceeding is brought.

SECTION 2. That Section 2985 of the South Dakota Revised Code of 1919, be and the same is hereby amended to read as follows:

SECTION 2985. *Judgment; penalty.*—In case the issue be found against the defendant, he shall be adjudged by the court to pay a sum of money not exceeding five hundred dollars for the first year after the birth of such child, and not exceeding three hundred dollars yearly for ten years succeeding said first year, for the support, maintenance and education of such child, and shall be adjudged to pay the costs of prosecution; and he shall be required by said court to give an undertaking with sufficient sureties, to be approved by the judge of said court, for the payment of such sums of money, which undertaking shall be made payable to the State of South Dakota, and conditioned for the due and faithful payment of said yearly sum in quarterly installments to the clerk of the court.

SECTION 3. Whereas, this Act is necessary for the immediate support of the State Government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1921.

VERMONT.

[1921, No. 81.]

An Act To amend section 3553 of the General Laws relating to legitimacy of the issue of annulled marriages, and to repeal section 3546 of the General Laws.

It is hereby enacted by the General Assembly of the State of Vermont:

Section 3553 of the General Laws is hereby amended to read as follows:

SECTION 3553. *Children: legitimate.*—Children of a marriage annulled pursuant to this chapter shall be legitimate and shall succeed to the real and personal estate of both parents.

SEC. 2. Section 3546 of the General Laws is hereby repealed.

SEC. 3. This act shall take effect from its passage.

Approved March 17, 1921.

VERMONT.

[1921, No. 83.]

An Act To amend section 3610 of the General Laws, relating to the amount of bail of persons charged with bastardy.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 3610 of the General Laws is hereby amended so as to read as follows:

SEC. 3610. *Accused to give bail for appearance.*—The magistrate before whom the person is brought, shall require him to enter into a recognizance to such woman with sufficient securities, in a sum not exceeding one thousand dollars nor less than five hundred dollars, conditioned that he will personally appear before the county court next to be held within and for the same county, and answer to such complaint and abide the order of the court thereon.

Approved March 9, 1921.

VIRGINIA.

[1922, ch. 486.]

[Relating to maternity hospitals.]

SECTION 6. * * * Any child born in any maternity hospital who is illegitimate and whose father is unknown and whose mother is unable to care for such child, or any child who for any reason will be left destitute of support, shall, through proper court proceedings, be committed to the State board of public welfare, or to any agency licensed to engage in the business of child placing.

WASHINGTON.

[1919, ch. 203.]

PROVISIONS FOR MAINTENANCE OF CHILD BORN OUT OF WEDLOCK.

An Act Relating to filiation proceedings, providing for the institution, trial, procedure, and judgment and enforcement thereof, in actions to determine the paternity of a child of an unmarried mother and providing for the maintenance of such child and certain expenses of the mother thereof, and providing for the prosecution and punishment of such person.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. *Complaint against putative father.*—When an unmarried woman shall be pregnant or delivered of a child which shall not be the issue of lawful wedlock, complaint may be made in writing by said unmarried woman, her father, mother or guardian, to any justice of the peace in the county of which she has been a resident for thirty days last past and where she may be so pregnant or delivered, or where the person accused may be found, accusing, under oath, a person with being the father of such child, and it shall be the duty of such justice forthwith to issue a warrant against the person so accused and cause him to be brought forthwith before such justice.

SEC. 2. *Hearing before justice of the peace; bond.*—Upon the appearance of the accused, it shall be the duty of such justice to examine the woman, if then present, under oath, in the presence of the man alleged to be the father of the child, touching the charge against him, or, if the woman be not then present, to fix a date for such examination not more than ten days thereafter and to require the accused to give a bond with sufficient surety conditioned that he will appear to answer such charge upon such date, or upon any other date to which such examination may be continued; and in default of the giving of such bond such justice shall cause the accused to be committed to the county jail. The accused shall have the right to controvert such charge and evidence may be heard as in the case of trial of civil actions before such justice. If such justice shall be of the opinion that sufficient cause appears, it shall be his duty to bind the person so accused in bond with sufficient surety payable to the state of Washington and conditioned that he will appear in the superior court of such county, at such time or times as the judge thereof may fix or order, to answer such complaint, and abide the judgment and orders of the court; or failing therein, that he will pay such sums of money and to such person as may be adjudged by such court; and the justice shall transmit such bond, together with the transcript of his proceedings, the complaint and the other papers in the case, without delay to the clerk of the superior court of such county. And if

the accused shall fail to give a bond as required, such justice shall commit him to jail until discharged by law. Such bond, or any bond given by said accused on any continuance or arrest, may be put in suit by any person in whose favor the court may adjudge any sum of money in such proceeding.

SEC. 3. *Duty of prosecuting attorney.*—Such proceeding shall be entitled in the name of the state of Washington, and shall be prosecuted in both justice court and the superior court by the prosecuting attorney of the county where brought, and shall not be dismissed except by such prosecuting attorney upon a showing to the court that the provisions herein contemplated to be made for the maintenance, care, education and support of the child have been made.

SEC. 4. *Discharge on recognizance bond.*—Any person committed to jail for failure to give such bond may be discharged from custody by filing at any time after his commitment, with the clerk of the superior court such bond, to the satisfaction of the said clerk; and a certificate of the clerk to the sheriff shall be sufficient to authorize him to discharge the accused from custody.

SEC. 5. *Mother's testimony reduced to writing.*—The testimony of the mother, or mother to be, shall be by such justice reduced to writing, read carefully to such witness and be by her signed, and shall, by such justice, be returned to the superior court with the other papers in the proceeding, to be used by either party thereto.

SEC. 6. *Docketing in superior court.*—Upon the filing of the transcript, complaint and other papers in the superior court, the clerk thereof shall docket the same, and said complaint shall stand as the complaint therein, and issue shall be joined thereon as now provided in civil actions.

SEC. 7. *Trial.*—If the accused in the superior court denies the charge, the issue may be tried by the court or by jury if demanded by either party.

SEC. 8. *Judgment of discharge.*—If on the trial of the issue joined, the finding or verdict shall be that the child is not the child of the accused, that the judgment of the court shall be that he be discharged: *Provided, however,* that no court costs shall be required of the complainant for the proceeding before such justice or the superior court.

SEC. 9. *Judgment ordering support of child; bond.*—In the event the issue be found against the accused, or whenever he shall, in open court, have confessed the truth of the accusation against him, he shall be charged by the order and judgment of the court to pay a sum to be therein specified, during each year of the life of such child, until such child shall have reached the age of sixteen years, for the care, education and support of such child, and shall also be charged thereby to pay the expenses of the mother incurred during her sickness and confinement, together with all costs of the suit, for which costs execution shall issue as in other cases. And the accused shall be required by said court to give bond, with sufficient surety, to be approved by the judge of said court, for the payment of such sums of money as shall be so ordered by said court. Said bond shall be made payable to the people of the state of Washington, and conditioned for the true and faithful payment of such yearly sums, in equal quarterly installments, to the clerk of said court, which said bond shall be filed and preserved by the clerk of said court.

SEC. 10. *Act cumulative with criminal proceedings.*—In addition to the proceedings for enforcing the support of the child heretofore provided for, the accused may be prosecuted in any criminal proceeding now or hereafter to be provided for by the laws of the state of Washington, relating to the support of minor children by parents or other persons upon whom such children may be dependent for care, education or support.

SEC. 11. *Execution in absence of security bond.*—If the accused shall fail or refuse to give such a bond as may be required by such superior court by

virtue of the provisions of section nine, such court shall at any time thereafter, upon application of the mother or guardian, render judgment against the accused for any sum or sums then due and unpaid under the terms of such order and judgment, and execution thereon shall issue from said court; *Provided*, That the rendition and collection of judgment as aforesaid shall not be construed to bar or hinder the taking of similar proceedings for the collection of judgment for the nonpayment of any sum or sums becoming due and unpaid thereafter.

SEC. 12. *Commitment for contempt; hearing upon question of inability to support*.—If the accused shall refuse and neglect to give such security as may be ordered by the court, under the provisions of section nine, he shall be committed to the county jail for contempt of court, there to remain until he shall comply with such order, or until otherwise discharged by due course of law. Any person so committed may at any time petition the court for a hearing as to his inability to comply with the order of the court and the court shall thereupon fix a time for the hearing of such petition which hearing shall be not less than ten days after the date of service of said petition on the prosecuting attorney. The prosecuting attorney may however waive the said ten day period in whole or in part. At the hearing the defendant shall be examined on oath in reference to the facts set forth in such petition and his ability to comply with such judgment and order, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to comply with such judgment and order, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no such property conveyed or concealed, or in any manner disposed of with design to secure the same to his use or to avoid in any manner compliance with such judgment and order. If upon such hearing it appears that the defendant has property, but not sufficient to comply with such judgment and order, the court may make such order concerning the same, in connection with such discharge, as justice may require.

SEC. 13. *Disposition of judgment money*.—The judgment money, when received by said clerk either by payment by the accused or by execution against the accused or against the sureties, shall be paid to the mother or guardian of such child, if a guardian therefore be appointed, and shall be paid out for the support, care, and education of such child in such manner as shall be directed by the court.

SEC. 14. *Default in paying installments; judgment*.—Whenever default shall be made in the payment of the quarterly installments, or any part thereof, specified in the bond provided for in section nine the superior court of the county wherein such bond is filed shall, at the request of the mother, guardian, or any person interested in the support of such child, issue a citation to the principal or sureties in such bond requiring them to appear on some day in said citation mentioned and show cause, if any there be, why execution should not issue against them for the amount of the installment or installments due and unpaid on said bond. And if the amount due on such installment or installments shall not be paid at or before the time mentioned for showing cause, as aforesaid, such court shall render judgment in favor of the people of the state of Washington, and the complainant or guardian, against the principal and sureties who have been served with such citation for the amount unpaid of the installment or installments on the bond, and the cost of such proceeding, and execution shall issue in due form from said court upon said judgment.

SEC. 15. *Commitment for contempt; modification of judgment.*—Such court shall also have the power, in case the accused does not obey the order thereof, and in case of default in the payment when due, of any installment or installments, or any part thereof, in the conditions of the said bond mentioned, to adjudge the accused guilty of contempt of court by reason of the non-payment as aforesaid, and order him to be committed to the county jail in such county until the amount of said installment or installments so due shall be fully paid, together with all the costs of such commitment, but the commitment of the accused shall not operate to stay or defeat the obtaining of judgment and collection thereof by execution: *Provided*, that the rendition and collection of judgment, as aforesaid, shall not be construed to bar or hinder the taking of similar proceedings for the collection of subsequent installments on said bond as they shall become due or remain unpaid. *Provided further*, that any judgment entered herein may be modified at any time upon proper showing to the court.

SEC. 16. *Limitation on prosecution.*—No prosecution under this act shall be brought after two years from the birth of the child: *Provided*, the time during which any person accused shall be absent from the state shall not be computed.

SEC. 17. *Mother's death not to abate action.*—The death of the mother shall not abate the proceeding, if the child be living; but a suggestion of record of the fact shall be made, and the testimony of the mother taken in writing before aforesaid justice may be read in evidence by either party, and shall have the same force as though she were living and had testified to the same in court.

SEC. 18. *Judgment in case of child's death.*—The death of such child shall not cause the abatement or bar to any prosecution hereunder; but the court trying the same, on conviction, shall give judgment for such sum as shall be deemed just.

SEC. 19. *Custody of child.*—If the mother be a suitable person she shall be awarded the custody and control of said child; if she be not a suitable person, the court may deliver the care and custody of said child to any reputable person, including the accused, charitable or state institution. Such order and judgment may further provide, in the discretion of the court, that the surname of the accused shall henceforth be the lawful surname of such child.

Passed the House February 17, 1919.

Passed the Senate March 11, 1919.

Approved by the Governor March 25, 1919.

WISCONSIN.

[1921, ch. 273.]

An Act To amend section 3306 of the statutes, relating to moneys collected for forfeiture.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3306 of the statutes is amended to read: SECTION 3306. All moneys collected on account of any judgment in favor of the state for forfeiture, pursuant to this chapter, except the portion to be paid by law to any person who sues jointly with the state therefor, shall be paid by the officer who collects the same, except justices of the peace and town and city treasurers, to the treasurer of the county within which such forfeiture was incurred

within twenty days after its collection or receipt by him; and in case of any neglect or failure in such payment such county treasurer may sue and collect the same of such officer by action, in his name of office and upon the office bond of such officer, if any he has given, with interest at the rate of twelve per centum per annum from the time when it should have been so paid. *Provided however, where the defendant in a bastardy action breaches the recognizance for his appearance and trial in a court of record, and fails to appear at the trial and is found and adjudged guilty at the trial of being the father of the bastard child, the amount collected upon the forfeiture of said recognizance, the defendant not having been found, shall to the extent required be subjected and applied to the payment of the judgment in said bastardy action and for said purpose be subject to the order of the court.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1921.





